

## REMARKS

In view of the above amendments and following remarks, reconsideration and further examination are requested.

By the current Amendment, claims 1 and 11 have been amended and claims 22-30 have been added.

Claims 1-4 and 9-17 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,634,924. In response to this rejection provided herewith is a Terminal Disclaimer, whereby it is respectfully submitted that the rejection under the judicially created doctrine of obviousness-type double patenting has been obviated.

Claims 1-4 and 9-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Moore or Sampson. In response to the rejection based on Sampson, provided herewith is a verified translation of the priority document which establishes a priority date of the instant invention as September 28, 1999. The filing date of Sampson is subsequent to September 28, 1999, and accordingly, Sampson is not available as prior art in view of the filing of the verified translation of the priority document.

The rejection based on Moore is respectfully traversed for the following reasons. Moore teaches provision of a leak sensor or a detector that enables detection of presence of polishing fluid within conduit 26. The purpose of Moore is to enable detection of a breach or rupture of resilient member 22. To the contrary, the purpose of the instant invention is to **detect a failure of the substrate**. Each of the independent claims clearly recites this feature.

Accordingly, because Moore is concerned with sensing failure of a component of the polishing apparatus itself, whereas each independent claim requires a sensor that is to detect failure of a member processed by the polishing apparatus, i.e. a substrate, it is respectfully submitted that none of the independent claims are anticipated by Moore, whereby these claims and their dependent claims are allowable.

It is appreciated that Moore, in column 7, lines 6-8, states that the disclosed embodiments thereof may be useful for detecting a wafer break or slip; however, this statement is not believed to be sufficient for demonstrating that any of the currently pending claims are unpatentable over Moore. Specifically, it is not seen as to how sensing a breach of resilient member 22 is in any way indicative

of sensing breakage or slippage of a substrate. In this regard, breakage or slippage of a substrate could occur without breach of resilient member 22, and breach of resilient member 22 could occur without breakage or slippage of the substrate. Because of this independence between substrate breakage or slippage and resilient member breach, it is respectfully submitted that Moore does not teach or suggest using a sensor to detect a failure of a substrate, irrespective of what is stated in column 7, lines 6-8 of this reference.

In any event, claims 1 and 11 have been amended to define around Moore in the event that the aforementioned passage of Moore is somehow sufficient to support a rejection of these claims. Specifically, claims 1 and 11 have been amended to recite that the failure detection sensor(s) is (are) for detecting a failure of the substrate ***at any time during polishing of the substrate***. In Moore, even if detection of a breach of resilient member 22 is somehow used to indicate slippage or breakage of a substrate, because breakage or slippage of the substrate can also occur without the resilient member 22 being breached, the sensors of Moore would not be capable of detecting this latter breakage or slippage. In other words, breakage or slippage of the substrate in Moore would only be able to be detected when the resilient member is breached, and thus would not be able to be detected ***at any time***.

For this additional reason, independent claims 1 and 11 are allowable.

In addition to above reasons, independent claim 15 is believed to further be allowable over Moore because Moore does not disclose a polishing apparatus that comprises a polishing tool, a substrate holding member, and

a first failure detection sensor for detecting a failure of the substrate inside of said substrate holding member; and  
style="padding-left: 40px;">a second failure detection sensor for detecting a failure of the substrate outside of said substrate holding member.

Similarly, in addition to reasons presented above for patentability of claims 1 and 11, claim 21 is allowable over Moore because the specific sensor as recited in claim 21 is not taught or suggested by Moore.

And, in addition to reasons presented above for patentability of claims 1 and 11, claim 22 is allowable over Moore because Moore does not disclose a polishing apparatus that comprises a polishing tool, a substrate holding member, and

a first failure detection sensor disposed inside of said substrate holding member for detecting a failure of the substrate; and

a second failure detection sensor disposed outside of said substrate holding member for detecting a failure of the substrate.

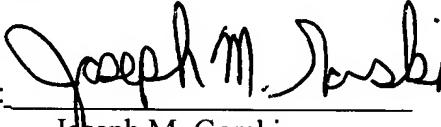
Thus, claims 1-30 are allowable.

In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early Notice of Allowance is earnestly solicited.

If after reviewing this Amendment, the Examiner believes that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the Applicants' undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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March 22, 2005